

**REMARKS**

The present invention relates to polyester fibers and a false twist-textured yarn comprising the same, wherein the polyester polymer is prepared in a specifically defined manner.

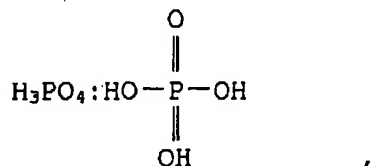
In the Office Action dated September 28, 2005, claims 8 - 10 were objected to as being in improper multiply dependent form. Claim 4 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly the recitation "monoalkyl phosphates" was considered to be vague and indefinite, and it appears that the Examiner believes that the presence of  $R^8O$  in formula (IV) should result in a claim using the term "alkoxy" rather than the term "alkyl". For the same reason, the Examiner suggested that the specification should be changed, such as at pages 13 - 14. Similarly, the Examiner objected to the specification under 35 U.S.C. § 112, first paragraph with respect to the meaning of the expression "monoalkyl phosphates" in formula (IV) and claim 4.

Turning to the prior art, claims 1 - 7 were rejected under 35 U.S.C. § 103 based on U.S. Patent No. 6,593,447 (Yamamoto) taken with U.S. Patent 5,331,032 (Suzuki).

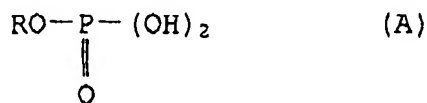
In the present Amendment, a grammatical correction has been made in claim 1, and claims 8 and 9 have been amended to proper dependent form. Hence, it is respectfully submitted that the objection to claims 8, 9, and 10 should now be withdrawn.

With respect to the rejections under 35 U.S.C. § 112, first regarding the expression “monoalkyl phosphates” recited in claim 4 and in the specification, Applicants respectfully submits that the Examiner has apparently misunderstood formula (IV), and that the compounds of formula (IV) are properly identified as alkyl phosphates, and may be a monoalkyl phosphate or a di-alkyl phosphate, depending on the value of (p) in formula (IV). This is explained in further detail below.

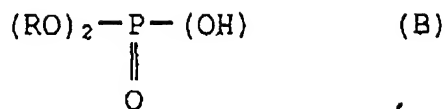
In the formula (IV),  $R^8$  represents an alkyl group having 1 to 20 carbon atoms or an alkyl group having 6 to 20 carbon atoms, and thus “ $R^8O-$ ” may be considered, from an isolated viewpoint, as an alkoxy group having 1 to 20 carbon atoms or an aryloxy group having 6 to 20 carbon atoms. But the Examiner’s attention is further directed to phosphoric acid, which is represented by the formula:



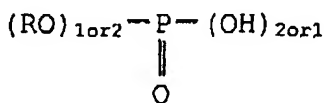
and to mono- and di-alkyl phosphates which are represented, respectively, by the general formulae (A) and (B):



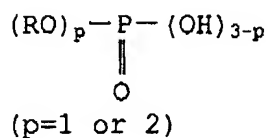
and



The formula (A) and (B) are included in the general formula:



namely



Accordingly, the general formula (IV) represents C<sub>1</sub>-C<sub>20</sub> mono- and di-alkyl phosphates and C<sub>6</sub>-C<sub>20</sub> mono- and di-aryloxy phosphates, but not C<sub>1</sub>-C<sub>20</sub> mono- and di-alkoxy phosphates and C<sub>6</sub>-C<sub>20</sub> mono- and di-aryloxy phosphates.

In view of the foregoing, it is respectfully submitted that the expression “monoalkyl phosphate” in claim 4, and the use of the same terminology in the specification, is completely proper chemical terminology, and that it would be inappropriate to use the term “alkoxy” in naming the compound of formula (IV). Accordingly, withdrawal of the rejections under 35 U.S.C. § 112 are respectfully submitted to be proper.

Turning to the prior art rejection under 35 U.S.C. § 103 based on Yamamoto in view of Suzuki, Applicants respectfully traverse, and submit that upon a careful consideration and analysis of the teaching of the cited art references, it will be seen that the presently claimed invention is novel and unobvious in view of the cited prior art.

More specifically, the Yamamoto and Suzuki references are analyzed below, based on which it can be seen that the polyester polymer in accordance with the present invention is different from the cited prior art; furthermore, as will be seen below, even if Yamamoto is modified in view of Suzuki, it does not result in the presently claimed invention.

U.S. Patent 6,593,447 (Yamamoto)

The phosphorus compounds represented by the formula (III) of Yamamoto are phosphoric acid compounds, and thus are clearly distinguished from the phosphate compounds of formula (IV) defined in claim 1 in accordance with the present invention.

Accordingly, the presently claimed invention is novel, unobvious, and patentable over Yamamoto.

U. S. Patent 5,337,032 (Suzuki)

U. S. Patent 5,337,032 (Suzuki)

The Examiner appears to be of the opinion that "it would have been obvious to one having ordinary skill in the art to incorporate the denier, as taught by Suzuki, in the polyester fiber as taught by Yamamoto in order to avoid breakage and make the fiber durable".

However, even if the fiber thickness as taught by Suzuki, namely 1 denier or less, is incorporated in the polyester fiber as taught by Yamamoto, the resultant polyester fiber is not the polyester fiber of the present invention, because the polyester polymer from which the polyester fiber of Yamamoto is made is clearly different from the polyester polymer of the present invention.

Accordingly, the combination of Suzuki with Yamamoto would not result in the presently claimed invention, and hence does not affect the patentability of the present claimed invention.

In view of the foregoing, it is respectfully submitted that the objection to claims 8, 9, and 10 has been overcome, the rejections under 35 U.S.C. § 112, both first and second paragraph, should be withdrawn, and that the presently claimed invention in accordance with claims 1 - 10 is novel and unobvious *viz-a-vis* the cited prior art references.

In view of the above, reconsideration and allowance of claims 1 - 10 of this application are now believed to be in order, and such actions are hereby earnestly solicited.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 10/506,539

Attorney Docket No.: Q83055

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

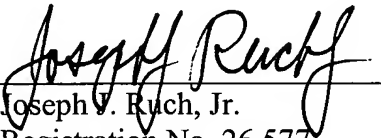
Respectfully submitted,

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**23373**

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